

FILED

MAR 15 1999

JUDGE MARINA CORODEMUS

LOWENSTEIN SANDLER PC

Attorneys At Law

65 Livingston Avenue

Roseland, New Jersey 07068

973.597.2500

Attorneys for Defendants

Allegiance Healthcare Corporation,

Allegiance Corporation,

Baxter Healthcare Corporation,

Baxter Healthcare, S.A. and

Baxter International Inc.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
DOCKET NO.: MID-L-4856-98

VICTORIA VENUTO AND JOHN VENUTO,

Plaintiffs,

vs.

ALADAN CORPORATION, ET AL.,

Defendant.

CASE CODE 243

CIVIL ACTION

ORDER OF DISMISSAL WITHOUT  
PREJUDICE OF CLAIMS AGAINST  
DEFENDANTS ALLEGIANCE  
HEALTHCARE CORPORATION,  
ALLEGIANCE CORPORATION,  
BAXTER HEALTHCARE  
CORPORATION AND BAXTER  
INTERNATIONAL INC.

THIS MATTER HAVING BEEN OPENED by Lowenstein Sandler PC, attorneys  
for defendants Allegiance Healthcare Corporation, Allegiance Corporation, Baxter Healthcare  
Corporation, Baxter Healthcare, S.A. and Baxter International Inc., upon a motion for a "bright-

line" dismissal of claims against them, in accordance with this Court's Case Management Order No. 3; and Special Master Joyce Usiskin having reviewed the motion; and the Court having considered the papers filed in support of the motion, and in opposition to the motion, if any; and the Court having found that plaintiffs have failed to identify Allegiance Healthcare Corporation, Allegiance Corporation, Baxter Healthcare Corporation, Baxter Healthcare, S.A. and Baxter International Inc. as manufacturers of latex gloves to which plaintiff Victoria Venuto was exposed during her education and employment; and the Court having further found that plaintiffs' claims should be dismissed in accordance with the "bright-line" dismissal procedures set forth in Case Management Order No. 3; and other good cause having been shown;

IT IS on this 15<sup>th</sup> day of March 1999;

ORDERED that the motion for an Order granting a bright line dismissal filed by defendants Allegiance Healthcare Corporation, Allegiance Corporation, Baxter Healthcare Corporation, Baxter Healthcare, S.A. and Baxter International Inc. be, and the same is hereby GRANTED; and

IT IS FURTHER ORDERED that plaintiffs' claims against Allegiance Healthcare Corporation, Allegiance Corporation, Baxter Healthcare Corporation, Baxter Healthcare S.A. and Baxter International Inc. are hereby DISMISSED WITHOUT PREJUDICE; and

IT IS FURTHER ORDERED that this dismissal is without prejudice to the right of plaintiffs to seek to rejoin the dismissed defendants, if discovery taken by plaintiffs reveals alleged facts that constitute a good-faith basis for alleging that any of the dismissed defendants manufactured, designed, distributed or sold latex gloves to which plaintiff Victoria Venuto was exposed, and such evidence was not previously known by or disclosed to plaintiffs prior to the entry of the within Order; plaintiffs' application to rejoin the dismissed defendants under such circumstances must be made within ninety (90) days from the date of completion of merits discovery or one (1) year from the entry of the within Order, whichever is later; and

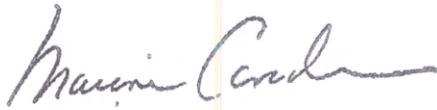
IT IS FURTHER ORDERED that if evidence is developed suggesting that defendants should be rejoined (as described in the preceding paragraph of this Order), and



plaintiffs' initial Complaint was not timely filed, defendants have not waived and may assert the statute of limitations as a defense to plaintiffs' claims; and

IT IS FURTHER ORDERED that if no request to rejoin Allegiance Healthcare Corporation, Allegiance Corporation, Baxter Healthcare Corporation, Baxter Healthcare, S.A. and Baxter International Inc. is made within the later of one (1) year from the entry of the within Order or ninety (90) days from the date of completion of merits discovery, then at defendants' request and upon notice to plaintiffs, defendants may request that an Order dismissing with prejudice plaintiffs' claims against them be entered by the Court; and

IT IS FURTHER ORDERED that counsel for defendants Allegiance Healthcare Corporation, Allegiance Corporation, Baxter Healthcare Corporation, Baxter Healthcare, S.A. and Baxter International Inc. shall serve this order upon all counsel of record in the above-captioned action, within ten (10) days of counsel's receipt of a time-stamped copy of the Order from the Court.



---

Hon. Marina Corodemus, J.S.C.